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Environmental Cleanup Office

JAN 15 2004

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LOWER WILLAMETTE GROUP
Co-Chairperson: Bob Wyatt, NW Natural
Co-Chairperson: Jim McKenna, Port of Portland
Treasurer: Larry Patterson, ATOFINA Chemicals, Inc.

January 12, 2004

Mr. Chip Humphrey
US Environmental Protection Agency, Region 10
811 SW Sixth Avenue, Third Floor
Portland, OR 97204

Ms. Tara Martich
US Environmental Protection Agency, Region 10
1200 Sixth Avenue, M/S ECL-115
Seattle, WA 98101

RE: Portland Harbor Project
Cultural Resources Analysis

Dear Chip and Tara:

Pursuant to Section VII.4.B.(i)(c) of the Administrative Order on Consent for the Portland Harbor Superfund Site (AOC), Respondents are required to conduct a cultural resources analysis. As you know, the Lower Willamette Group (LWG) has been working to develop the scope of the cultural resources analysis with the Confederated Tribes and Bands of the Yakama Nation, the Confederated Tribes of the Grand Ronde Community of Oregon, the Confederated Tribes of the Siletz Indians, the Confederated Tribes of the Umatilla Indian Reservation, the Nez Perce Tribe, and the Confederated Tribes of the Warm Springs Reservation of Oregon (collectively the Tribes). In addition, the LWG has retained Archaeological Investigations Northwest, Inc. (AINW) to assist in developing and implementing the analysis.

After a number of meetings with tribal representatives and AINW, the LWG has prepared the enclosed proposed scope of work for the cultural resources analysis. All six Tribes support the enclosed proposal.

The proposal provides that oral histories will be collected by individual Tribes through contracts between those Tribes and the LWG. Section XXVI.3. of the AOC requires that either the LWG or its contractors carry specified amounts of insurance for work performed under the AOC. A reasonable interpretation of these insurance requirements is that they are primarily intended to cover work performed at the site such as collecting samples; using equipment, supplies, and vehicles to conduct investigations; and using other field-based protocols to develop an evaluation of site conditions. The LWG does not believe Section XXVI.3. applies to the development of oral histories because such work involves interviews with Tribal members,



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literature reviews, and archival investigation. The work is not designed to be performed at the site. Therefore, the LWG concludes that the insurance requirements of the AOC do not apply to the individual contracts the LWG will enter into with each Tribe. To avoid any confusion or penalty, however, we ask that EPA concur in writing with our interpretation of Section XXVI.3.

Also, we ask that you review the enclosed proposal. If it meets with your approval, please issue the memorandum required under Section VII.4.B.(i)(c) of the AOC. We would like to begin the work as soon as possible. In particular, we would like to finalize our negotiations with the Tribes to gather the oral histories. The Tribes have informed us that the winter months are best for conducting the work and are willing to get started in the near future. Your cooperation is appreciated. If you have questions or comments, please contact us as soon as possible. Thank you.

Sincerely



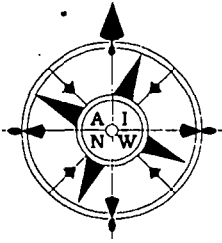
Bob Wyatt
Co-Chair



Jim McKenna
Co-Chair

Enclosure

cc: LWG Executive Committee
LWG Legal Committee
Confederated Tribes and Bands of the Yakama Nation
Confederated Tribes of the Grand Ronde Community of Oregon
Confederated Tribes of the Siletz Indians
Confederated Tribes of the Umatilla Indian Reservation
Nez Perce Tribe
Confederated Tribes of the Warm Springs Reservation of Oregon



Archaeological Investigations Northwest, Inc.

E-mail: ainw@ainw.com
Vancouver Phone 360 696-7473

2632 SE 162nd Ave. • Portland, OR • 97236
Phone 503 761-6605 • Fax 503 761-6620

MEMO

Date: December 10, 2003

To: The Lower Willamette Group

From: David V. Ellis, Senior Archaeologist

Re: Proposed Scope of Work for the Cultural Resources Analysis

In response to decisions made at the October 7 and November 18, 2003 meetings between the LWG and the Tribes, I have prepared a detailed scope of work for the Cultural Resources Analysis to be completed pursuant to the September 28, 2001 Administrative Order on Consent (AOC). As discussed at the September 2 meeting, also note that no field surveys are planned until after the Record of Decision (ROD) is issued by EPA.

Scope of Work

Research area.

The research area would consist of the current channel of the Willamette River and a 30-meter (100-foot) wide corridor from the top of the bank inland along both sides of the Willamette River from its mouth to Willamette Falls.

Research scope.

1. A review of records of the Oregon State Historic Preservation Office.
2. A review of the records of the City of Portland, City of Milwaukie, City of Lake Oswego, City of West Linn, City of Oregon City, and Clackamas County on currently listed or designated historic resources.
3. A review of both published and unpublished materials for the research area at the Oregon Historical Society, Clackamas County Historical Society, Multnomah County Public Library, Lake Oswego Public Library, Milwaukie Leding Library, and local institutions likely to have information on Native peoples, Euroamerican history, and archaeological resources. This research may include reviewing newspaper accounts, settler journals and diaries, etc.
4. A review of records in the technical library of the Portland District of the U.S. Army Corps of Engineers. The chief focus of this research will be historical maps of the research area and the *Annual Reports of the Chief of Engineers*, which would detail Corps projects in the research area.

5. A review of General Land Office maps and surveyors' field records at the BLM state office in Portland.
6. A review of *Screenings*, the newsletter of the Oregon Archaeological Society (OAS). We will also contact the OAS to determine if there are opportunities to speak with former artifact collectors or examine artifact collections from sites in the research area. We will conduct research with the materials in the Emory Strong Research Library at the Columbia Gorge Interpretive Center Museum. Strong is the only known source of information on archaeological sites on the lower Willamette River reported by artifact collectors.
7. A review of historical and current geological, geotechnical, and bathymetric data to identify locations at which archaeological resources may be buried below the modern or historical surface and to better define environmental features that may have influenced past human use and therefore where archaeological deposits may be located.
8. Oral histories will be collected by individual Tribes through contracts between individual Tribes and the LWG.

Product(s).

AINW will prepare a report that summarizes the scope of the research conducted and presents the results of the research. The focus of the report will be a compilation of where archaeological resources are known or likely to occur and the locations of known historic buildings and structures. The results will be presented in narrative, tabular, and cartographic form. Where archaeological probability or potential locations are defined, the reasoning for the designation will be clearly spelled out. The information on traditional cultural places, whether gathered from conventional written sources or from oral histories, will be either summarized in the report that also addresses archaeological resources and historic buildings or will be presented in a separate report at the discretion of the Tribes.

Schedule.

The draft report will be submitted within 150 days of receipt of the EPA memorandum defining the requirements of the cultural resources analysis or within 60 days of receiving all of the Tribal oral history studies reports that are being prepared as an element of the cultural resources analysis.

cc: Perri McDaniel, Grand Ronde Tribes
Steve Kelly, Grand Ronde Tribes
Rod Thompson, Grand Ronde Tribes
Kevin Cannell, Nez Perce Tribe
Robert Kentta, Siletz Tribes
Billy Barquin, Siletz Tribes
Tom Downey, Siletz Tribes
Audie Huber, Umatilla Tribes
Jeff van Pelt, Umatilla tribes
Sally Bird, Warm Springs Tribes
Brian Cunninghame, Warm Springs Tribes
Johnson Meninick, Yakama Nation